

The below described is SIGNED.

Dated: February 25, 2015



JOEL T. MARKER
U.S. Bankruptcy Judge



UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH

Chapter 7

In Re:

KRAIG A. MUNZERT

Bankruptcy Case No. 13-21757

Debtors.

Judge: JOEL T. MARKER

[FILED ELECTRONICALLY]

ORDER TO AVOID JUDICIAL LIENS ON REAL ESTATE

Debtor KRAIG A. MUNZERT (the "Debtor") filed his Motion to Avoid Judicial Liens on Real Estate (the "Motion"), dated February 4, 2015, seeking, pursuant to §522(f) of the Bankruptcy Code, an order avoiding the "Liens" (as that term is described in this Order below) filed against the Debtors' residence located at 8061 S. Allen Street, Midvale, Utah 84047, and titled in the name of the Debtor, and the legal description of the Property is described as follows:

LOT 24, BECKSTEAD SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF AS RECORDED IN THE OFFICE OF THE SALE LAKE COUNTY RECORDER, STATE OF UTAH.

Tax Parcel No. 21-36-156-007

[hereinafter referred to as "the Property"] as such liens impair exemptions to which the Debtor would be entitled under 11 U.S.C. § 522. The Debtor properly served the subject creditors and their respective attorneys with the Motion and Notice of Motion and Opportunity for Hearing pursuant to Bankruptcy Rules 9014(b) and 7004, and the time allowed by law for the creditors to respond to the Motion has expired.

Based upon the allegations in the Motion, proper notice to creditors, and the lack of any objection or other response by creditors, and good cause appearing, the Court hereby ORDERS as follows:

1. Pursuant to 11 U.S.C. § 522(f), the following judicial liens (hereinafter collectively referred to as the "Liens") are hereby avoided:
 - a. The judicial lien arising from the judgment obtained by Asset Acceptance LLC against Defendant: KRAIG A. MUNZERT, pursuant to Case No. 060409554, filed in the Third District Court, State of Utah, County of Salt Lake, West Jordan Department on October 6, 2006, for \$1,919.16, plus interest and costs and attorney's fees incurred in connection with collection of said judgment (hereinafter referred to as the "Asset Acceptance Judgment"); and which "Asset Acceptance Judgment" was recorded as a lien against the Debtors' Property (described in this Order below) by way of an Abstract of Judgment that was filed in the Salt Lake County Recorder's Office on February 20, 2007, as Entry No. 10007037; and

b. The judicial lien arising from the judgment obtained by Unifund CCR Partners Assignee of Palisade Collections, LLC against Defendant: KRAIG A. MUNZERT, pursuant to Case No. 070405498, filed in the Third District Court, State of Utah, County of Salt Lake, West Jordan Department on August 28, 2007, for \$15,268.56, plus interest and costs and attorney's fees incurred in connection with collection of said judgment (hereinafter this judgment is referred to as the "First Unifund Judgment"); and which First Unifund Judgment was recorded as a lien against the Debtors' Property (described in this Order below) by way of a Default Judgment and Judgment Information Sheet that were filed in the Salt Lake County Recorder's Office on September 17, 2007, as Entry No. 10223289.

c. The judicial lien arising from the judgment obtained by CACV of Colorado, LLC against Defendant: KRAIG A. MUNZERT, pursuant to Case No. 070413057, filed in the filed in the Third District Court, State of Utah, County of Salt Lake, West Jordan Department on October 10, 2007, for \$9,438.93, plus interest and costs and attorney's fees incurred in connection with collection of said judgment (hereinafter this judgment is referred to as the "CACV Judgment"); and which CACV Judgment was recorded as a lien against the Debtors' Property (described in this Order below) by way of an Abstract Judgment that was filed in the Salt Lake County Recorder's Office on April 6, 2012, as Entry No. 11365628.

d. The judicial lien arising from the judgment obtained by Unifund CCR Partners against Defendant: KRAIG A. MUNZERT, pursuant to Case No. 070418448, filed in the filed in the Third District Court, State of Utah, County of Salt Lake, West Jordan Department on November 21, 2007, for \$11,398.80, plus interest and costs and attorney's fees incurred in connection with collection of said judgment (hereinafter this judgment is referred to as the

“Second Unifund Judgment”); and which the Second Unifund Judgment was recorded as a lien against the Debtors’ Property (described in this Order below) by way of an Abstract Judgment that was filed in the Salt Lake County Recorder’s Office on December 4, 2007, as Entry No. 10291361.

e. The judicial lien arising from the judgment obtained by W-W Recovery, LLC against Defendant: KRAIG A. MUNZERT, pursuant to Case No. 100905847, filed in the Third District Court, State of Utah, County of Salt Lake, West Jordan Department on April 27, 2010, for \$1,461.75, plus interest and costs and attorney’s fees incurred in connection with collection of said judgment (hereinafter this judgment is referred to as the “W-W Recovery Judgment”); and which W-W Recovery Judgment was recorded as a lien against the Debtors’ Property (described in this Order below) by way of an Abstract Judgment that was filed in the Davis County Recorder’s Office on June 4, 2010, as Entry No. 10964915.

2. It is further ORDERED that Debtors’ interest in the Property is deemed free and clear of the Liens.

END OF DOCUMENT

COURT CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of _____, 2015, I served a true and correct copy of the foregoing Order on Motion to Avoid Judicial Liens on Real Estate by ECF Electronic Notification or by mailing in the United States Mail, first class, postage prepaid, upon the following:

U.S. Trustee (via ECF)
405 South Main Street Suite 600
Salt Lake City, Utah 84111

Mary M. Hunt, Trustee (via ECF)
Dorsey & Whitney
136 S. Main Street, Suite 1000
Salt Lake City, UT 84101

John R. Riley, Esq. (via ECF)
Richards, Riley & Associates, PLLC
Attorneys for Debtors
9980 S. 300 W., Suite 105
Sandy, Utah 84070

Creditors:

Corporation Service Company
Agent for Service of Process for
Asset Acceptance, LLC
10 E South Temple, Suite 850
Salt Lake City, UT 84133

Corporation Service Company
Agent for Service of Process for
Unifund CCR Partners
10 E South Temple, Suite 850
Salt Lake City, UT 84133

The Corporation Company
Agent for Service of Process for
CACV of Colorado, LLC
1675 Broadway, Suite 1200
Denver, CO 80202

Kendall C Farr
Agent for Service of Process for
W-W Recovery, LLC
4625 S 2300 E, Suite 207
Salt Lake City, UT 84117

Bryan W. Cannon
Cannon Law Associates, PLLC
Attorneys for Asset Acceptance, LLC
8619 Sandy Parkway #111,
Sandy, UT 84070

Bryan W. Cannon
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Attorneys for Unifund CCR Partners, LLC
8619 Sandy Parkway #111,
Sandy, UT 84070

Gregory M. Constantino
Constantino Law Office, PC
Attorneys for CACV of Colorado, LLC
8537 Redwood Road
West Jordan, UT 84088

Kendall C. Farr
Attorney for W-W Recovery, LLC
4625 South 2300 East #106,
Holladay, UT 84117

Debtor:

Kraig A. Munzert
8061 Allen Street
Midvale, Utah 84047

By: _____
Deputy Clerk, U.S. Bankruptcy Court

In re:
Kraig A. Munzert
Debtor

Case No. 13-21757-JTM
Chapter 7

CERTIFICATE OF NOTICE

District/off: 1088-2

User: mfm
Form ID: pdforl

Page 1 of 1
Total Noticed: 6

Date Rcvd: Feb 25, 2015

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 27, 2015.

db +Kraig A. Munzert, 8061 Allen Street, Midvale, UT 84047-7233
+Bryan W Cannon, 8619 Sandy Parkway #111, Sandy, UT 84070-6404
+Corporation Service Company, 10 East South Temple, Ste 850, SLC, UT 84133-1114
+Kendall Farr, 4625 South 2300 East, Ste 207, SLC, UT 84117-4582
+The Corporation Company, 1675 Broadway, Ste 1200, Denver, CO 80202-4682
8714829 +Bryan Cannon & Associates, 8619 South Sandy Parkway, Suite 111, Sandy UT 84070-6404

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 27, 2015

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 25, 2015 at the address(es) listed below:

John R. Riley on behalf of Debtor Kraig A. Munzert justin@richardsriley.com,
utahopebk@gmail.com

Mary M. Hunt tr huntrustee@gmail.com, hunt.peggy@dorsey.com;UT18@ecfcbis.com
United States Trustee USTPRegion19.SK. ECF@usdoj.gov

TOTAL: 3